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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,034	04/29/1999	JAMES W, ROSE	A001	6384

22434 7590 10/13/2005

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EXAMINER
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DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/302,034

Applicant(s)

ROSE ET AL.

Examiner

Thomas A. Dixon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-80,82-97,99,100,104-121 and 123-130 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-80,82-97,99,100,104-121 and 123-130 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a status of the case.

Claims 1-36 were originally filed, claims 1-36 were cancelled and claims numbered 37-119 by preliminary amendment A, filed 12/10/1999.

Claim 81 was cancelled, and claims 120-125 were added by Amendment B, filed April 2 2001, also, a second claim numbered 48 was introduced, in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution, duplicate claim 48 has been renumbered as claim 126.

Claims were amended in Amendment C, filed 06/14/2001.

Claims were amended in Amendment D, filed 08/02/2001.

A decision from the board reversed the previous examiner. The case was reopened and references applied.

Amended Claims filed on 05/05/05, claims 81, 98, 101-103 were cancelled and new claims 127-130.

Amended claims filed on 07/28/05 to address 112 rejections, which are now withdrawn.

New Drawings submitted 09/14/05, necessitated the objections below.

### ***Drawings***

2. The new drawings filed 9/14/05 are objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Specifically, new drawing sheet labeled Figure 19A was not filed with the original specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The drawings are objected to because:

Figures labeled 5 and 9 are referred to as 5A and 9A in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Prior Art Made of Record***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Staheli et al (5,537,533) is a system for mirroring (making backup copies) of critical data, but does not disclose use in the restaurant setting;

Davies et al (5,596,636) is a tee time scheduling system, but does not disclose all the limitations of the claims;

Schneider et al (5,832,452) is a hotel reservation system, but does not disclose all the limitations of the claims;

Feldman (5,864,818) is a hotel reservation system, but does not disclose all the limitations of the claims.

***Allowable Subject Matter***

5. Independent Claims 37, 80, 99, 119, 120 are allowable.

6. The following is an examiner's statement of reasons for allowance:

As per claims 37, 120.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

a first computer located at the restaurant, the first computer configured to store a first copy of the reservation booking database;

a second computer located at a location remote from the restaurant, the second computer configured to store a second copy of the reservation booking database; and

the first computer being connected to the second computer through the Internet, the first computer configured to be connected to the Internet using an always connected, non-dialup connection to the Internet so that the first computer and the second computer can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the first computer is updated.

As per claims 80.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

the local computer being further configured to store the reservation booking database;

the central computing location being further configured to store a second copy of the reservation booking database;

the local computer being connected to the central computing location through an always on non-dialup connection to the Internet so that the local computer and the central computing location can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the local computer is updated.

As per claims 99.

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The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

providing a first computer at the first restaurant, the first computer configured to maintain the first reservation booking database;

providing a copy of the first reservation booking database at a central computing location;

providing an always on non-dialup Internet connection between the first computer and the central computing location; and

updating the copy of the first reservation booking database in substantially real time when the first restaurant books time-slots in the first reservation booking database to reserve tables for customers not making bookings over the Internet.

As per claims 119.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

an update module configured to update over an always on non-dialup Internet connection a copy of the first reservation booking database maintained at a central computing location, the update module configured to update the copy of the first reservation booking database in a substantially real time when the first reservation booking database is updated.

The claims that depend from the above allowable claims are allowable for the same reasons.

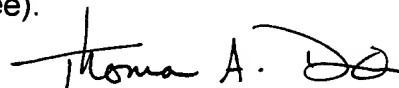
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

October 05